



California Fair Political Practices Commission

August 22, 1986

Aletha Ware
P.O. Box 216
Kettleman City, CA 93239

Re: Your Request for Advice
Our File No. A-86-259

Dear Mrs. Ware:

Thank you for your letter requesting advice concerning your duties as a member of the Kettleman City Community Services District under the conflict of interest provisions of the Political Reform Act.^{1/}

QUESTION

May you participate in a decision of the Community Services District to provide services to a company which employs your adult son? You have stated that your son does not live with you or support you.

CONCLUSION

You may participate in a decision of the Community Services District to provide services to a company which employs your adult son.

ANALYSIS

Section 87100 prohibits a public official from making, participating in, or using her official position to influence a governmental decision in which she knows or has reason to know she has a financial interest. A public official has a financial interest in a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or any member of her immediate family, or on:

- (a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted.

Althea Ware
August 22, 1986
Page 2

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

Section 87103(a)-(e).

As a member of the Kettleman City Community Services District, you are a public official. Section 82048. The Political Reform Act thus requires you to disqualify yourself from participating in any decision before the District if that decision would have a reasonably foreseeable material financial effect on you, any member of your immediate family, or on any of your economic interests.

The decision in question concerns the sale of water to a company which employs your adult son. Your adult son is not a member of your "immediate family" as that term is used in the Political Reform Act. Section 82029 provides that "immediate family" means the official's spouse and dependent children. Therefore, under the facts you have provided, the decision in question would not affect a member of your "immediate family."

When I spoke to you on the telephone, I inquired whether your son supported you or has otherwise provided income of \$250 or more to you in the past year. You informed me that he has not. Therefore, due to the absence of a financial relationship between you and your adult son, there is no basis for a conclusion that you have a conflict of interest regarding a decision which affects your son's employer.

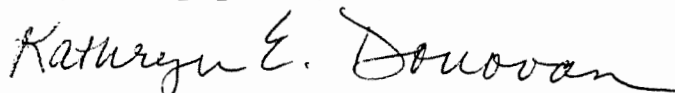
Althea Ware
August 22, 1986
Page 3

You should note that if your son did provide you with \$250 or more in income in the last year, you would not be automatically disqualified from participating in the Community Services District decision affecting your son's employer. In that case, it would be necessary to determine whether the Community Services District's decision would have a reasonably foreseeable material financial effect on your son (not on his employer). For example, the effect of the decision on your son would be material if, as a result of the Community Services District's decision, the business operations of your son's employer would be so greatly affected that it is likely that your son would be laid off or face a significant decrease in salary. The fact that your son's employer would be materially affected by the decision would not, of itself, indicate that your son is also likely to be materially affected by the decision.

We conclude, therefore, that under the facts presented, you may participate in the decision of the Community Services District.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Very truly yours,



Kathryn E. Donovan
Counsel
Legal Division

KED:km

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Kettleman City, Ca. 93239
August 12, 1986

Fair Political Practice Commission
P. O. Box 807
Sacramento, Ca. 95804

Legal Counsel Division

I am one of the members of the Kettleman City Community Services District. The board had a verbal agreement to provide a service for a firm near here. After a while two of the members decided not to provide the service any longer. At the meeting , when it was time to vote, two voted for and two against the discontinuance of the service. At the third of these meetings and always a two/two tie one of the board members said I could not vote because I had a conflict of interest, being, one of my sons work for the firm. After explaining that my son was 28 years old and does not live with me, how could this be? It stood. I would like; to have your opinion on this matter. I am inclosing a self-addressed-stamped envelope for your reply. If it is possible, I would like to have it for our meeting Monday Night, August 18, 1986. Thank you in advance, I am

Sincerely yours

Aletha Ware
Aletha Ware



California Fair Political Practices Commission

August 15, 1986

Aletha Ware
P.O. Box 216
Kettleman City, CA 93239

Re: 86-259

Dear Mrs. Ware:

Your letter requesting advice under the Political Reform Act has been received on August 15, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
Counsel
Legal Division

KED:plh